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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,789	01/08/2002	Hans-Walter Bielefeld	BIELEFELD	4601

20151 7590 06/17/2003

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NEW YORK, NY 10118

EXAMINER

THISSELL, JENNIFER I

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/041,789

Applicant(s)

BIELEFELD ET AL.

Examiner

Jennifer I Thissell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,8-14 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8-14 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Translation of EP 0828052

**DETAILED ACTION**

***Claim Objections***

Claims 5 and 6 are objected to as being dependant on a cancelled claim (claim 4). The claim should be amended to depend from an appropriate claim. For purposes of this Office Action, the Examiner has examined claims 5 and 6 as though they depended from claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 8, 9, 11, 13, 14, and 18-22 are rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by Nimmrichter (EP 0 828 052). Nimmrichter teaches a hollow frame section 1 made of plastic, the frame has an interior subdivided in several inner chambers (as can be seen in Figure 11) by a plurality of partition walls 17,25 extending in a direction of the longitudinal axis, there are a plurality of stiffening elements 25 that are made of metal and are received in the interior separate from one another without interconnection, the stiffening elements form some of the partition walls and are rectangular in cross section and are secured directly to the frame section.

The elements 25 that are referred to as stiffening elements in this Office Action, for reinforcement of the frame section, are considered so because on page 11 (lines 13-14) of the translation it states "if the stability of the blocking foil 25 is appropriate, it can also contribute to the static properties of the hollow section member 1", meaning that the element 25 does in fact act as a "stiffening" element.

The stiffening element 25 further comprises a strip shaped structure, the stiffening elements have opposite longitudinal sides, the sides provide an effective positive fit in the frame, which is considered the punchings 69 in the element, the stiffening elements have a surface with high radiation reflection (page 10 of translation, lines 28-29), the stiffening elements have a surface provided with a reflective coating (page 12 of the translation, line 30), the stiffening elements are made of aluminum (page 17 of the translation, line 4), and the stiffening elements have the same cross sectional area upon application in a direction transversely to the longitudinal axis. The frame section has exterior walls that form visible surfaces, at least two of the stiffening elements that oppose one another are embedded in the inner surfaces of the exterior walls, the strip shaped elements have lateral boundary planes that do not intersect any visible surfaces of the frame section, and the stiffening elements have sufficient distance to the visible surfaces of the frame section. Some of the stiffening elements (as in Figure 5) can extend horizontally (at 41 in the rightmost stiffening elements), while some can extend

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vertically (at 40 in the leftmost stiffening elements) at a distance to the vertical stiffening elements, whereby the horizontal stiffening elements are provided only in an area of a portion of the frame section. The frame section also includes a receiving pocket 15 that receives an attachment profile (page 9 of the translation, lines 5-7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nimmrichter (EP 0 828 052). Nimmrichter teaches an element as stated above, but does not state that the stiffening element is anodized. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to anodize a metallic element, since metallic elements are often subject to deterioration, anodizing would provide a protective coating or film on the element. This would provide an element that may last for longer periods of time.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



June 11, 2003



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600